

**MINUTES**  
**OF**  
**THE UTAH RADIATION CONTROL BOARD**  
**May 7, 2004**  
**Department of Environmental Quality (Bldg. #2)**  
**Conference Room 101**  
**168 North 1950 West**  
**Salt Lake City, Utah 84114-4250**

**BOARD MEMBERS PRESENT**

Karen S. Langley, M.S., Chair  
Stephen T. Nelson, Ph.D., Vice Chair  
Dianne R. Nielson, Ph.D., Director of DEQ  
Dane Finerfrock, Executive Secretary  
Keith C. Barnes, J.D.  
Kent J. Bradford, P.G.  
Gary L. Edwards, M.S.  
Rod O. Julander, Ph.D.  
Linda M. Kruse, M.S.  
Gregory G. Oman, D.D.S., B.S.  
Dan Perry, B.S.  
John W. Thomson, M.D.  
Gene D. White, Commissioner

**PUBLIC**

Judy Fahys, Salt Lake Tribune  
Tom Rice, Mountain Ute Tribe

**BOARD MEMBERS ABSENT/EXCUSED**

Robert S. Pattison, B.S.

**DRC STAFF/OTHER DEQ MEMBERS PRESENT**

Edith Barker, DRC Staff  
Brenda Jacobsen, DRC Staff  
Craig Jones, DRC Staff  
Loren Morton, DRC Staff  
Fred Nelson, Attorney, DEQ/Atty Gen's Ofc  
Ray Nelson, DRC Staff  
William J. Sinclair, M.S.E.H., Deputy Dir., DEQ

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:00 p.m. by Karen Langley, Chair to the Board. Karen Langley welcomed the Board members and public attending the meeting, and indicated that if the public wished to address any items on the agenda to sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

### **I. APPROVAL OF MINUTES (Board Action Item)**

#### **a. Approval of March 5, 2004 Minutes**

**MOTION MADE BY ROD JULANDER TO APPROVE THE  
MINUTES OF MARCH 5, 2004 SECONDED  
BY LINDA M. KRUSE.**

**MOTION CARRIED AND APPROVED UNANIMOUSLY**

### **II. INTRODUCTION OF NEW BOARD MEMBER TO THE RADIATION CONTROL BOARD – Dane Finerfrock, Executive Secretary**

Dane Finerfrock said that Thomas Chism resigned several months ago. The Utah Manufacturers Association suggested that Mr. Dan Perry fill the vacancy on the Board. Dan was approved by the Senate last week and is our new board member. Dane invited Dan Perry to say a few words of introduction to the Board Members. Dan Perry said that his background was in safety, health and the environment. He said that he had 20 plus years of experience. He has worked for Hercules and for the IPP Power Plant. Presently, he is working for Brush Resources in Delta, Utah. He has a bachelors degree from Weber State University, and he has 4 children.

### **III. RULES (No Items)**

### **IV. RADIOACTIVE MATERIALS LICENSING/INSPECTION (No Items)**

### **V. X-RAY REGISTRATION/INSPECTION (No Items)**

### **VI. RADIOACTIVE WASTE DISPOSAL (Board Information Items) – Bill Sinclair**

#### **a. Summary of the March 2004 Low-level Radioactive Waste Forum**

Bill Sinclair, Deputy Director, reported on the Forum's "spring meeting" held in Seattle from March 15-16, 2004. A copy of the agenda was included in the Board's packet. In terms of siting developments, Texas is making progress in licensing a new low-level waste facility. The Texas Commission on Environmental Quality (TCEQ) has adopted rules for acceptance of applications for a new, low-level waste facility from July 8 – August 6, 2004. Each

application must be accompanied by a \$500,000, nonrefundable, filing fee. If more than one application is received, TCEQ must determine the applicant with the most viable proposal for a new facility. TCEQ envisions that the license can include an application for two facilities: a compact facility taking commercial low-level radioactive waste and a facility taking federal facility waste.

Bill Sinclair indicated that a new proposal was being considered by Nebraska, after Nebraska was assessed a judgment of \$151 million by the courts in a lawsuit brought by the Central States Compact. The Central States Compact alleged the licensing process in Nebraska was biased. The State of Nebraska denied a license application for a site in Boyd County, Nebraska. Nebraska officials are looking at a number of options, including the siting and construction of a low-level waste facility to settle the judgment and negotiations are currently underway to look for various resolutions.

In another development, the South Carolina House of Representatives approved a bill that would allow disposal of an additional 100,000 cubic feet of Class A low-level radioactive waste at the Barnwell facility, raising the volume cap to 150,000 cubic feet. Chem-Nuclear, the site operator, will pay the state of South Carolina \$6 million in addition to the end-of-year, transfer-of-proceeds for other wastes disposed. South Carolina will use the money to fund police officer salary increases. The bill, however, must be considered by the Senate and if passed, the Governor must sign the bill. The legislative session concludes at the end of June.

Bill Sinclair reported on two studies. First, the National Academy of Sciences Board of Radioactive Waste Management still seeks funding to complete phase 2 of its study regarding low-activity waste. Second, the General Accounting Office is updating the 1999 low-level radioactive waste report. The GAO is looking at the issues of (1) what has changed since GAO's 1999 report (2) is there a looming crisis in LLRW disposal capacity and capabilities and what evidence is available to support such a claim (3) what type and level of concerns are raised about limitations in disposal options (4) what has been and should be DOE's responsibility under the LLRW Policy Act. This report is expected to be available this summer.

Bill also stated that EPA had an advanced notice of proposed rulemaking (ANPR) on low-level radioactive waste. A public comment on a series of questions posed by the rulemaking has been extended into May 2004. The Division of Radiation Control and the Division of Solid and Hazardous Waste jointly submitted Utah's comments on the ANPR.

### **Questions From the Board**

Kent J. Bradford asked if he could be provided with a copy of the comments submitted to the EPA by the Division of Radiation Control and the Division of Solid and Hazardous Waste. Bill said that he would provide copies to Dane Finerfrock and Dane could provide copies to all of the Board members.

**b. Summary of the Annual Northwest Interstate Compact Meeting**

Bill Sinclair reported that on April 20, 2004, the Northwest Interstate Compact (NWIC) held their annual meeting in Salt Lake City. A summary of the US Ecology, Richland site-activities was provided. The Washington Department of Ecology (WDOE) staff summarized Initiative 297. Initiative 297 will appear on the fall ballot in the state of Washington. It provides that DOE must receive a final RCRA facility permit, as a whole, prior to receiving any additional off-site DOE waste. Prior to issuance of such a permit, all existing contamination must be cleaned up. The bottom-line of the initiative: “clean up the mess that was created before bringing in any more radioactive waste.” The question was asked if this would impact the Compact site in any manner. WDOE staff indicated, although it was premature, they believed the initiative will not impact shipments of low-level radioactive waste to the Compact site which is located on the Hanford Reservation. WDOE staff also reported that \$13.8 million had been transferred from the closure fund to the general fund with a payback provision (SB6087).

Bill reported to the NWIC on the Hazardous Waste Task Force, the status of the Cedar Mountain application process, and the Legislative audit. An Envirocare representative provided information to the NWIC concerning recent activities. There was a discussion of national issues, similar to those discussed at the Low-Level Radioactive Waste Forum, and a presentation on some waste access determinations.

**Questions From the Board**

Kent J. Bradford asked if the \$13.8 million that was transferred from the closure fund to the State of Washington’s general fund would be repaid. Bill Sinclair said there was a payback provision in State law and the anticipation of the State is to return the monies to the closure fund. Bill said that it did set a disturbing precedent; congruously, in South Carolina a large amount of the post-closure fund has been appropriated for South Carolina’s State budget. Kent asked if Utah’s closure funds were in similar circumstances. Bill responded that monies for the Envirocare closure funds were in the form of a letter of credit to the Executive Secretary to be used in the event of radioactive waste problems; consequently, the legislature cannot borrow those funds. However, he said the Perpetual Care Fund has a sum of \$800,000 that could be tapped by the State Legislature.

**c. Summary of the April 2004 Hazardous Waste Regulation and Tax Policy Task Force**

Bill Sinclair reported that the Task Force had its initial 2004 interim session meeting on April 22, 2004. A copy of the agenda was included in the Board packet. Staff to the Task Force provided information on HB145 and subsequently provided background information on Class B and C low-level radioactive waste. At the Task Force Meeting, Bill presented information on the potential cost to the Department/Division to oversight Class B and C low-level radioactive waste. Following that discussion, a Task Force, committee member made a motion

regarding the recommendation of the Committee for Class B and C low-level waste. The motion was to disapprove Class B and C low-level waste. A substitute motion was brought forward which would have delayed such decision for a month so a written recommendation for the Task Force to consider could be provided. Both motions failed. The next meeting is scheduled for May 18, 2004 in which the results of the legislative audit of DEQ will be presented.

**VII. URANIUM MILL TAILINGS UPDATE**  
**(Board Information Item) – Loren Morton**

**a. Moab Tailings Remedial Action Project Update**

Date	Activity/Description
<b>Moab Uranium Mill Tailings Project, Near Moab, Utah</b> <b>Uranium Mill Tailings Activities Since 3/5/04</b>	
<i>Past Activities</i>	
March 24, 2004	DOE Cooperating Agency Meeting in Moab <ul style="list-style-type: none"> <li>• DOE provided preliminary responses to State comments on the 11/03 Preliminary Draft EIS (DEIS).</li> <li>• DRC provided revised comments to DOE, dated 3/23/04, regarding the 11/03 DOE River Migration Report. New DEQ finding regarding carbon-14 dates from peat layer in Matheson Preserve boring BL-3 indicate that Sediments at a depth of about: <ul style="list-style-type: none"> <li>○ 25 feet are less than 90 years old, and</li> <li>○ 30 feet are less than 960 years old.</li> </ul> </li> </ul>
March 25, 2004	DEQ letter notifies DOE that DEQ will release its comments on the 11/03 DOE DEIS to the public, without prior DOE approval. This decision based on: <ol style="list-style-type: none"> <li>1. Lack of confidentiality agreement for other DOE cooperators, and</li> <li>2. Open forum meeting format provided by DOE during the 3/24/03 Cooperators meeting.</li> </ol>
April 20, 2004	DOE sends a 4/23/04 work plan by email to DEQ for comment. Work plan involves an age-dating study of sediments near the Moab Tailings pile to determine if Colorado River has migrated across the DOE property in the last 1,000 years. Study to include new borings and collection of subsurface soil samples for carbon-14 and Optically Stimulated Luminescence (OSL) analysis.
May 3, 2004	DEQ sends email comments to DOE on the 4/23/04 DOE work plan for sediment age-dating.
	DOE email informs DEQ that the Moab Tailings EIS schedule has been delayed. The DOE DEIS will now not go to the public until August, 2004. DOE staff later explained that Headquarters needs more time to review the Preliminary DEIS.
May 6, 2004	DOE / NPS / EPA / DEQ conference call on the 4/23/04 DOE work plan for sediment age-dating.
<i>Future Activities</i>	
Late July, 2004	DOE drilling planned – new wells for groundwater remediation system and borings for sediment age-dating study.
August, 2004	DOE publication of DEIS and start of public comment period.

## **VIII. OTHER DIVISION ISSUES (Board Information Items)**

### **a. Guidelines for Scheduling Board Meetings and Discussion of Training Topics for Board Members**

Karen S. Langley, Chair, asked the Board to consider guidelines for scheduling board meetings. She said that historically the Board has met frequently. However, there have not been very many board action-items, and the Board has been meeting infrequently. She said that it would be good to hear the Board's expectations or strategies on the frequency and topics of interest for Board meetings. Karen Langley noted that statutory requirement directs the Board to meet quarterly. She asked the Board to not only consider what was required but also to consider what was appropriate, such as participation with the community. She said that it was also appropriate for the Board to have educational opportunities and information updates. She said that alternative forms of attendance were available, such as teleconference attendance.

Dianne R. Nielson, Executive Director of DEQ, said if a board member were going to be out of state or could not travel but wanted to vote, they could still join the board meeting by teleconference. However, the Board must provide 24 hour notice to the public that a board member is being brought-in by telephone.

Linda M. Kruse indicated that on the DRC web page it states that the Board meets 10 times per year. She said that she had concerns about task force activities and did not want the Board to be blind-sided. She said she believed in prevention rather than reaction; however, rather than scheduling a meeting, reports and information items could be mailed to board members when needed.

Rod Julander indicated there were board members with terms expiring. He said that it would be good to have training opportunities, especially since there would be new board members.

Dianne Nielson said that other boards have scheduled informal educational opportunities just prior to their board meetings. Lunch could be provided.

Dane Finerfrock, Executive Secretary, said he had asked Section Managers for information topics. He said there were also local resources that may hold interest for the Board. In general, board meetings should be agenda driven and the Chair and Executive Secretary should make that decision.

Gene D. White said that he would like the Board to participate in encouraging more emergency response training for first responders. He said that in his experience, since incidents rarely happen, fire departments and other first response organizations rarely spend time on radioactive waste response training.

Gene D. White said he recently attended a meeting for the DOE Transportation External Coordinating Mission. It deals with the transporting of spent fuel rods and spent material to Yucca Mountain. In a meeting in Albuquerque, it came out

that a lot of people did not know what was going on, and although it may not be the Board's responsibility, he would appreciate input from board members. He also learned that the Senator of New Mexico was considering opening up avenues for nuclear power. The Senator became interested in nuclear power, as a result of the rising costs of natural gas. If nuclear power is developed in New Mexico, however, there will also be nuclear waste generated.

Karen S. Langley, Chair, said that medical modalities, such as PET CT fusion imaging, combines positronic as well as CT. In Utah there is a gap in terms of licensure. There are interested parties waiting for professional societies and others to organize succinct guidance. Meanwhile, Radiation Control and the Bureau of licensing could decide on how to handle PET CT fusion imaging in the State of Utah.

Dianne Nielson, Executive Director, said the DOE announced the formation of the Legacy Program Office. The Legacy Program Office will formulate guidance on how to manage legacy sites and response, records, trucking, industrial health and health care for individuals who work on legacy sites. It may be helpful for the Board to gain perspective from DOE on how they intend to use the Legacy Program Office and what it means for the sites in Utah.

Karen S. Langley, Chair, said that she appreciated hearing Compact projections for Envirocare and other waste facilities from Bill Sinclair. She said that from the Board's response, the scheduling of Board meetings will continue as they have in the past. She encouraged board members to forward to her any additional topics for education or information.

## **IX     PUBLIC COMMENT**

**-None-**

## **X.     OTHER ISSUES**

- a.     Next Board Meeting – June 4, 2004, 2:00-4:00 PM, Department of Environmental Quality, Building 2, Conference Room 101, 168 North 1950 West, Salt Lake City, Utah**

**MOTION MADE BY GREGORY G. OMAN TO ADJURN. THE MOTION WAS SECONDED BY KENT J. BRADFORD.**

**CARRIED AND APPROVED UNANIMOUSLY**

The Board meeting adjourned at 3:05 p.m.